tion, and is equally applicable whether the ground of attack is the authority of the officer to act at all or in the given instance. The vital point is not the broad question whether such an ordinance can be attacked collaterally, but whether it can be attacked in this case. It is admitted and is undoubtedly law that the mere fact that the act if performed would be null and void is no defense. It is also admitted that had the offer come from the officer the question of the illegality of the ordinance could not be raised. It is difficult to see why the same reasoning should not be applied when the offer comes from a third person. The same elements are necessary to make up the crime in either case, the same moral turpitude and tendency toward official corruption. The authorities on the point are in conflict. *Moore* v. *State* (Tex. 1902) 69 S. W. 521; *State* v. *Ellis*, supra; *State* v. *Potts* (1889) 78 Ia. 656; In Re *Bozeman* (1889) 42 Kan. 451.

The court treats the case as if the act in which the defendant sought to influence Chapman was not in a matter "then pending" but in a matter "which might by law be brought before him." If the act came under the former clause then there would be nothing in the statute even under the principle of strict construction, upon which the Court lays such emphasis, to take the case out of the common law rule. The facts of the case seem to favor this interpretation. The Board of Health had advertised for and received bids for the contract and the offer was made only a day before the contract was awarded to the defendant's company.

AMOUNT IN CONTROVERSY AS LIMITING JURISDICTION.—The general use of the expression "amount in controversy" in statutes limiting the jurisdiction of courts often presents an interesting question of construction as to how that amount is to be determined. The general rule for its determination is that the sum demanded in the complaint prima facie represents the amount in controversy, but that the court may keep an eye on the record and evidence to see whether such amount be alleged in good faith. *Hilton* v. *Dickinson* (1883) 108 U. S. 165; *Less* v. *English* (C. C. A. 8th Circ., 1898) 85 Fed. Rep. 471, 474. Where property is the matter in dispute or claims for liquidated damages are sought to be enforced, little difficulty, arises as the real sum or value appears, but in cases of torts greater indulgence is allowed owing to the unliquidated nature of the damages. *Barry* v. *Edmunds* (1886) 116 U. S. 550.

If the amount be alleged merely to get the suit within a certain jurisdiction the court will dismiss it and this irrespective of what stage the case has reached when the bad faith is discovered. But the mere fact that the plaintiff recovers less than the amount set by statute does not show bad faith or divest the court of jurisdiction. If good faith be used the courts generally seem to draw no distinction between cases where the full amount claimed in the complaint is not recovered because the plaintiff fails to establish his facts and where he fails because his claim is unsound in

law. A Texas case suggests that a distinction should be drawn and holds that where there are several claims for damages joined in one complaint and a demurrer is sustained as to one the court loses jurisdiction if the aggregate amount of the claims is thus reduced below the amount set by statute but that if this same item were thrown out through a failure in evidence the court would not lose jurisdiction. *Western Union Tel. Co.* v. *Arnold* (Tex. 1903) 77 S. W. 244. The court argues that an issue of law does not involve the "amount in controversy," but that an issue of fact does bring the sum claimed into dispute. This seems unsound for there may frequently be issues of fact the determination of which has the same and no greater reference to the amount claimed than the determination of an issue of law. Suppose A brings an action to recover from B for the conversion of an article of the alleged value of $200 joining with it a claim which B does not dispute giving an aggregate amount sufficient to give a certain court jurisdiction. The determination of the existence of the alleged facts of the conversion would seem to have no more and no less connection with the "amount in controversy" than the determination on demurrer whether the facts alleged amounted in law to a conversion. Yet under the Texas view the aggregate amount would be in controversy in the first case but not in the second. Ordinarily the question of the amount of damages is not gone into until after the determination of the issues both of law and fact, and the reasonable view would indicate that when the item was inserted in the original petition in good faith the amount involved was in controversy, irrespective of such issues, and the court having taken jurisdiction should render judgment for the remainder of the aggregate amount. *Martin* v. *Goode* (1892) 111 N. C. 288; *Bank* v. *Bradley* (C. C. A. 8th Circ., 1896) 72 Fed. 867 Where then there is an allegation of damage, based upon a reasonable principle of law, though not in fact a cause of action, with reasonable evidence to support the claim, such damages as laid represent the "amount in controversy" according to the reasonable intendment of the statutory provisions limiting the jurisdiction of the courts.

TERRITORIAL FORCE OF WARRANT TO SEIZE FOR EXTRADITION.—By treaty with Great Britain the United States engages to surrender persons charged with specified crimes upon production of such evidence of criminality as according to the laws of the place where the fugitive should be found would justify his commitment for trial if the offence had been there committed; and Congress has provided for commissioners to issue warrants for the apprehension of fugitives under such treaties. Can the warrant of a properly authorized commissioner be issued to run throughout the United States or may it be executed only within the district of the commissioner? In taking the latter position the recent case of In re *Walshe* (C. C. D. Ind., 1903) 125 Fed. 572, appears to be both unsound on principle and opposed to precedent. Nations have come to recognise a common interest in the repression of crime. They no longer extend an